

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:

CHAPTER 7
Case No.

JAMES W. GRADE
PATRICIA L. GRADE
Debtor

93-11353KC

NORWEST BANK IOWA, N.A.
Plaintiff

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

AUG 16 1994

BARBARA A. EVERLY, CLERK

v.

JAMES W. GRADE
PATRICIA L. GRADE
Defendant

Adversary Proceeding No.
93-1186KC

JUDGMENT

The issues of this proceeding having been duly considered by the Honorable Paul J. Kilburg, United States Bankruptcy Judge, and a decision having been reached without trial or hearing,

IT IS ORDERED AND ADJUDGED: Judgment is entered for plaintiff, Norwest Bank Iowa, N.A. and against defendants James W. Grade and Patricia L. Grade in the amount of \$7,360.05 together with costs. This judgment shall not bear interest and plaintiff shall refrain from collection activities so long as the payment schedule outlined in the consent to judgment is followed by the defendants.



[Seal of the U.S. Bankruptcy Court]
Date of Issuance: August 16, 1994

BARBARA A. EVERLY
Clerk of Bankruptcy Court

By: *Michael A. Solay*
Deputy Clerk

Recorded Vol III
Page 226

Notice sent to:

Gregory Peterson
P O Box 35393
Des Moines, IA 50315-0304

Michael L. Mollman
4089 21st Avenue, SW, Suite 114
Cedar Rapids, IA 52404

Norwest Bank Iowa, N
P.O. Box 10347
Des Moines, IA 50309

US Trustee - CR
Law Building Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

8-16-94
mg

RECEIVED

RECEIVED **United States Bankruptcy Court**

AUG 29 1994

SEP - 2 1994 Northern District of Iowa

In re

James W. Grade

Patricia L. Grade

Debtor

Norwest Bank Iowa, N.A.

Plaintiff

James W. Grade

Patricia L. Grade

Defendant

Bankruptcy Case No. 93-11353 KC
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

SEP 07 1994

BARBARA A. EVERLY, CLERK

Adversary Proceeding No.

93-1186 KC

BILL OF COSTS

Notice is given that the following Bill of Costs will be presented to the bankruptcy clerk at the following place and time:

Address	Room
800 The Center, 425 Second St. SE	800
P. O. Box 74890	Date and Time
Cedar Rapids, IA 52407	9/15/94 11:00 A.M.

Judgment was entered in the above entitled action on 8/16/94 against James & Patricia Grade
(date) (date)

The clerk of the bankruptcy court is requested to tax the following as costs:

Fees of the clerk	\$	<u>120.00</u>
Fees for service of summons and complaint	\$	_____
Fees of the court reporter for any and all part of the transcript necessarily obtained for use in the case.....	\$	_____
Fees and disbursements for printing	\$	_____
Fees for witnesses (itemized on reverse)	\$	_____
Fees for exemplifications and copies of papers necessarily obtained for use in this case	\$	_____
Docket fees under 28 U.S.C. § 1923	\$	_____
Costs incident to taking of depositions	\$	_____
Costs as shown on Mandate of appellate court	\$	_____
Other costs [Please itemize]	\$	_____
	\$	_____
TOTAL	\$	<u>120.00</u>

DECLARATION

I, attorney for Norwest Bank Iowa, N.A. declare under penalties of perjury that the
(name of party)

foregoing costs are correct and were necessarily incurred in this action, that the services for which fees have been charged were actually and necessarily performed, and that a copy of this Bill of Costs was mailed this day with postage fully prepaid to:

Name and Address of Judgment Debtor
James & Patricia Grade
2040 Edgewood Rd., N.W., # 13
Cedar Rapids, IA 52405

9/1/94 484-62-2037
Date

Signature of Attorney # PK0007054

COSTS ARE TAXED IN THE FOLLOWING AMOUNT AND INCLUDED IN THE JUDGMENT: \$ 120.00

cc: Michael Mollman
4089 21st Ave., S.W., Ste. 114
Cedar Rapids, IA 52404

Date 9-15-94

Clerk of the Bankruptcy Court
BARBARA A. EVERLY
XIV: *Sabrina K. [Signature]*
XXXXXX
Deputy Clerk

Recorded: Vol III
Page 226

Copy mailed
this September 15, 1994 to Gregory Peterson, Michael L. Mollman, U.S. Trustee re

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

IN RE:

JAMES W. GRADE
PATRICIA L. GRADE

CASE NO. 93-11353KC

Debtors,

NORWEST BANK IOWA, N.A.,

ADVERSARY NO. 93-1186KC

Plaintiff,

vs.

JAMES W. GRADE
PATRICIA L. GRADE,

Defendants.

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

AUG 16 1994

BARBARA A. EVERLY, CLERK

CONSENT TO JUDGMENT

NOW, on this 16 day of August, 1994 this matter comes on before the Court, the Plaintiff appearing by its attorney, Gregory W. Peterson, and Defendants, appearing by their attorney, Michael L. Mollman, and the Court, after reviewing the file and being fully advised in the premises finds:

1. That the parties have agreed that a judgment is to be entered in favor of the Plaintiff and against the Defendants, James W. Grade and Patricia L. Grade, in the amount of \$7,360.05 together with costs.

2. That said judgment shall be non-interest bearing.

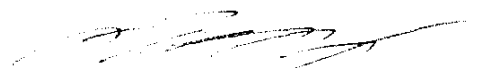
3. That the parties have agreed that Defendants may purge themselves of this judgment by doing the following:

- a. Paying the sum of \$2,000.00 to Plaintiff at the execution of this Consent to Judgment;
- b. Paying \$2,500.00 to Plaintiff over a 24-month period commencing September 1. Payments are to be made in equal monthly installments commencing on September 1, 1994;
- c. Defendants shall pay costs.

4. That so long as the payments outlined in the preceeding paragraph are made by the Defendants, Plaintiff will forego any and all other collection activity. Upon completion of the payment schedule outlined in the preceeding paragraph, the Plaintiff will file a Satisfaction of Judgment.

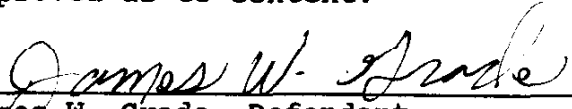
5. That this Adversary proceeding should be resolved with the entry of the Judgment herein.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff, Norwest Bank Iowa, N.A., have judgment against Defendants James W. Grade and Patricia L. Grade in the amount of \$7,360.05, together with costs. That said judgment shall not bear interest and that Plaintiff shall refrain from all collection activities so long as the payment schedule outlined above is followed by the Defendant. Upon completion of the payment schedule outlined herein, Plaintiff is instructed to file a satisfaction of judgment.



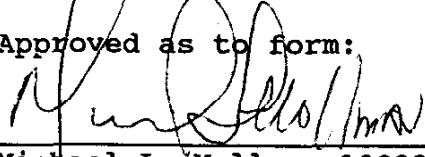
JUDGE, UNITED STATES BANKRUPTCY
COURT

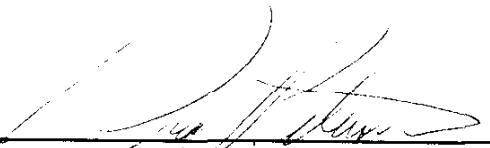
Approved as to content:


James W. Grade, Defendant


Patricia L. Grade, Defendant

Approved as to form:


Michael L. Mollman 1008288
4089 21st Ave. S.W., Ste. 114
Cedar Rapids, IA 52404
ATTORNEY FOR DEFENDANT


Gregory W. Peterson PK0007054
535 E. Army Post Road
Des Moines, Iowa 50315
ATTORNEY FOR PLAINTIFF

Notice sent to: (w/ Costs Forms)

Gregory Peterson
P O Box 35393
Des Moines, IA 50315-0304

Michael L. Mollman
4089 21st Avenue, SW, Suite 114
Cedar Rapids, IA 52404

Norwest Bank Iowa, N
P.O. Box 10347
Des Moines, IA 50309

US Trustee - CR
Law Building Suite 400
225 2nd Street SE
Cedar Rapids, IA 52401

8-16-94
mg

WITNESS FEES (computation, cf. 28 U.S.C. 1821 for statutory fees)

[illegible]

NOTICE

Section 1924, Title 28, U.S. Code provides:

"Before any bill of costs is taxed, the party claiming any item of cost or disbursement shall attach thereto an affidavit, made by himself or by his duly authorized attorney or agent having knowledge of the facts, that such item is correct and has been necessarily incurred in the case and that the services for which fees have been charged were actually and necessarily performed."

Section 1920 of Title 28 reads in part as follows:

"A bill of costs shall be filed in the case and, upon allowance, included in the judgment or decree."

The Bankruptcy Rules contain the following provisions:

Bankruptcy Rule 7054(b)

"COSTS. The court may allow costs to the prevailing party except when a statute of the United States or these rules otherwise provides. Costs against the United States, its officers and agencies shall be imposed only to the extent permitted by law. Costs may be taxed by the clerk on one day's notice; on motion served within five days thereafter, the action of the clerk may be reviewed by the court."

Bankruptcy Rule 9006(f)

"ADDITIONAL TIME AFTER SERVICE BY MAIL. When there is a right or requirement to do some act or undertake some proceeding within a prescribed period after service of a notice or other paper and the notice or paper other than process is served by mail, three days shall be added to the prescribed period."

Bankruptcy Rule 9021(a) (in part)

"Entry of the judgment shall not be delayed for the taxing of costs."

YOU MUST CALL the Clerk at 319/362-9696 to obtain a time for this to be set....

DO NOT SERVE, or send to Clerk's Office, WITHOUT HAVING OBTAINED A DATE & TIME.
*Also, your affidavit must be attached. Include Military statement..

NOTE: →

NOTE: →